

*U.S. Patent Application Serial No. 10/710,589  
Response to Office Action of September 28, 2008*

**REMARKS**

An RCE is filed herewith. Claims 1-6 and 10 are canceled without prejudice to reentry. Claims 15-16 were previously canceled without prejudice to reentry and are not withdrawn, as the Office Action states on page 1 at box 4. New claim 18, which is supported in Fig. 4, is patentable for the reasons below.

Claim 10 is partially incorporated into claim 7, along with features that are supported by Figs. 1-3 illustrating that the stationary member (fixing member 120) includes a plurality of island parts 121, each of which is connected to a base substrate S1 and corresponds to a respective one of the first and second stationary contact electrodes, and that the stationary island parts are spaced away from each other.

Thus, *one* stationary contact electrode is associated only with *one* island part, and one island part is spaced or separated from another island part. Such a structure is advantageous in that the claimed micro-switching device can be manufactured conveniently by the process steps illustrated in Figs. 6A through 8C.

In response to the outstanding Office Action, the § 103 rejection of all considered claims over Aigner in view of Yao is respectfully traversed.

(1) The Examiner asserted that the feature of claim 10 (now in claim 7), "a plurality of stationary island parts that are spaced away from one another," was anticipated by Fig. 1 of Aigner. The Examiner apparently was referring to element 11, and was assuming that the element 11 on the left side of Fig. 1 is one island, and that on the right is another island.

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However, the lead line from each numeral "11" to the drawing bifurcates into two lead lines, one on each side a vertical line. It appears that the area to the right of the vertical line should have been cross-hatched to indicate that it is a sectioned area, since Fig. 1 is a cross-sectional view (col. 3, line 29), but that the area to the left, also labeled as element 11, is a view past the section plane to the back wall that is shown near the top of Fig. 2, and is properly not cross-hatched. The Examiner is invited to note that in Fig. 2 "the substrate [1] can be seen between the patterned layer 2 and the switching part 9" (col. 4, line 51), meaning that the uppermost area in Fig. 2 is the patterned layer 2. The layer 11 is between the patterned layer 2 and the substrate (Fig. 1).

Because the layer 11 extends across from left to right, and because no discontinuities or breaks in the layer 11 are shown or described by Aigner, it appears that the layer 11 is a rectangular frame, i.e., a closed loop, and does *not* comprise any islands.

The patterned layer 2, which has the same general shape as the layer 11, also does not comprise any islands, or meet the claim language. The combination of elements 2 and 11, considered as one layer, therefore also would not meet the claim language.

(2) Because Aigner discloses no island, it follows that Aigner cannot disclose any islands that are spaced apart from each other, as claimed.

(3) Claim 7 also recites that each island corresponds to a single electrode. In contrast, Aigner shows that the electrodes 31a, 31b, 32a, and 32b are all located on the same layer 2.

(4) Yao discloses a driving electrode (top electrode) 24 provided on the upper surface of the cantilever arm 20 that is directed opposite to the base substrate 12. However, the two

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stationary contact electrodes 18 are formed directly on the base substrate 18, and there is no island that supports either stationary contact electrode 18.

(5) Therefore, no combination of Aigner and Yao (not admitted obvious) could reach the features now recited in claim 7. The other claims all depend from claim 7 and therefore are also allowable over Aigner and Yao.

(6) Claim 17 recites a section of the second driving electrode being spaced from the base substrate on a same side as the first driving electrode relative to the base substrate (shown in Fig. 4). This feature is significant in that the second driving electrode can be formed simultaneously with the first and second stationary contact electrodes, as shown in Figs. 8A to 8C (see paragraphs 0075-0077). This advantage is not disclosed or suggested by the applied art.

Aigner does not disclose a *section* that is spaced, as claimed. The word "section" means "a part that is cut off or separated .. a distinct part or subdivision of anything, as an object ... one of a number of parts that can be fitted together to make a whole" (Random House Dictionary). With respect, the claim does not read on an *entire* electrode having a *single* position relative to the substrate, like the applied electrode 51/52 of Aigner.

New claim 18, depending from claim 17, describes similar subject matter as claim 17 and is patentable for the same reasons.

The Applicants' previous arguments are reiterated by reference to the earlier papers.

In view of the aforementioned amendments and accompanying remarks, the application is submitted to be in condition for allowance, which action, at an early date, is requested.

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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney at the telephone number indicated below to discuss this case.

Respectfully submitted,

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PATENT & TRADEMARK OFFICE

Enclosures: **Petition for Extension of Time**

**R.C.E.**

*I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571-273-8300) on February 27, 2008.*

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Signature *Nick Bromer*